

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

*“Track Seven: Montgomery County, OH”*

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PROPOSED STIPULATED SCHEDULING ORDER**

Plaintiff Montgomery County, Ohio, and Defendants The Kroger Company, Kroger Limited Partnership I, and Kroger Limited Partnership II (together, “the Parties”), by their undersigned counsel, stipulate and request that the Court order as follows:

WHEREAS, the Court denied Kroger’s Motion to Strike Dr. Jack Fincham’s expert report, the parties have agreed upon the schedule below for the expert’s deposition and Daubert scheduling, *see* ECF No. 5009 (April. 21, 2023):

- The deposition of Plaintiff’s expert Dr. Fincham is scheduled for Wednesday, May 24, 2023.
- Should Defendant choose to file a Daubert motion, the motion will be filed no later than 21 days following the deposition, Wednesday, June 14, 2023.
- Plaintiff’s response brief is due no later than 21 days after Defendant files its Daubert motion, on or before Wednesday, July 5, 2023.
- Defendant’s reply brief will be filed no later than 14 days after Plaintiff’s response brief is filed, on or before Wednesday, July 19, 2023.

Respectfully submitted,

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*Plaintiffs' Liaison Counsel*

**IT IS SO ORDERED.**

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**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/Peter H. Weinberger

Peter H. Weinberger  
Plaintiffs' Liaison Counsel